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COUNSEL FOR THE CHAPTER 7 TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

IN RE:	§	
	§	CASE NO. 19-45206-ELM
SYNERGY FABRICATION, INC.	§	
	§	
	§	
	§	
	§	
DEBTOR	§	CHAPTER 7

**FINAL APPLICATION FOR ALLOWANCE OF FEES OF THE LAW OFFICE OF  
SHAWN K. BROWN PLLC, AS COUNSEL FOR THE CHAPTER 7 TRUSTEE**

TO THE HONORABLE EDWARD L. MORRIS, U.S. BANKRUPTCY JUDGE:

THE LAW OFFICE OF SHAWN K. BROWN PLLC (“Applicant”), counsel for the Chapter 7 Trustee, files this Final Application for Allowance of Fees (“Application”) pursuant to §330 of the Bankruptcy Code, and would respectfully show the Court the following:

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 WEST TENTH STREET, ROOM 147, FORT WORTH, TX 76102 BEFORE THE CLOSE OF BUSINESS ON JULY 15, 2021, WHICH IS AT LEAST TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON THE APPLICANT PRIOR TO THE DATE AND TIME SET FORTH ABOVE. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR APPLICATION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

**SUMMARY OF FEES**

Capacity: General Counsel

Chapter: 7

Debtor/Case: Synergy Fabrication, Inc. Case No. 19-45206-ELM

Retainer Received: None

Amount Previously Paid: None

**Amount Requested:**

Fees: \$4,812.50

Expenses: \$0

Other: None

**Total:** \$4,812.50

**Reductions:**

Vol. Fee Reductions: None

Expense Reductions: None

**Total Reductions: None**

**Hourly Rates:**

Shawn K. Brown, (admitted 1988) \$350.00

Hours Billed:

Average:

**CASE STATUS**

All assets of the estate have been liquidated.

**SOURCE OF PAYMENT**

The source of payment is from funds of this estate.

**FEES FOR PREPARATION OF APPLICATION**

The actual time spent in preparing this Final Application is included in this Application.

### **APPLICATION**

1. On December 30, 2019, the Debtor[s] filed a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code and Shawn K. Brown was appointed Chapter 7 Trustee (“Trustee”).

2. On January 16, 2020, an order was entered employing The Law Office of Shawn K. Brown PLLC as counsel for the Chapter 7 Trustee [ECF 12]. This Application is made by Applicant for a final allowance of fair and reasonable compensation for the professional services rendered by it on behalf of the Trustee, consistent with the results achieved, the size and complexity of the case, the time, labor and special expertise brought to bear on the questions presented, and other related factors.

3. This Application seeks a final allowance and award of all fees and expenses during the period of this Application.

4. Specifically, Applicant seeks an allowance in the sum of \$4,812.50 for professional services rendered from January 10, 2020, through June 23, 2021, based upon actual time and charges.

5. All of the professional services for which Applicant requests compensation were rendered in connection with this case and on behalf of the Trustee in discharge of Applicant’s professional responsibilities.

6. Applicant has received no promise of payment for the services rendered or to be rendered in this case. Applicant regularly maintains detailed records of the time expended in the rendition of the professional services required herein, which records were made concurrently with the rendition thereof. Applicant's Fee Summary is set forth above. Applicant's time records are set forth in detail and attached hereto as an exhibit. Applicant incurred no expenses in this case.

7. Applicant will not burden the Court with a full recitation of each and every item of professional services that Applicant has rendered to date. For detail of such services, Applicant respectfully refers the Court to the attached exhibit. The following is merely an attempt to summarize and highlight the professional services rendered to apprise the Court of Applicant's role as counsel for the Trustee in this case. The professional services rendered by Applicant may be classified as follows:

a. **Preparation of Application to Employ Counsel, Auctioneer and Accountant.** Applicant drafted all necessary pleadings and orders concerning the applications to hire counsel, auctioneer, and an accountant for the Trustee.

Estimated Amount of Fees: \$892.50          Hours: 2.55

b. **Resolution of Landlord Secured Claim and Motion to Lift Stay.** Applicant assisted the Trustee in resolving secured lease claims asserted by the landlord, as well as continued occupancy of the Debtor's premises pending conclusion of the Rosen Systems, Inc. auction of substantially all of debtor's personal property.

Estimated Amount of Fees: \$507.50          Hours: 1.45

c. **Sale of Assets.** Applicant drafted and filed all necessary pleadings, and attended a hearing concerning two motions to sell property of the estate, one to approve the Rosen Systems, Inc. auction, and one to approve the sale of the remnant assets of the debtor. The sales brought in approximately \$357,716 in proceeds.

Estimated Amount of Fees: \$2,257.50 Hours: 6.45

d. **Preparation of Fee Application.** Applicant prepared three fee applications to approve the fees and expenses of the auctioneer, accountants and counsel.

Estimated Amount of Fees: \$ 1,155.00 Hours: 3.3

8. Pursuant to In the Matter of First Colonial Corporation of America, 544 F.2d 1291 (5th Cir. 1977), Applicant would show the Court the following factors should be considered in making a determination as to the reasonableness of its fees:

a. **Time and Labor Involved.** The facts and issues have not been complex, but are routine matters arising in chapter 7 cases. During the period of this Application, Applicant has expended approximately 13.75 hours of professional time in connection with this case.

b. **Novelty and Difficulty of the Questions.** The legal issues were not novel or particularly difficult.

c. **Skill Required to Perform the Legal Service Properly.** A high degree of skill was required to perform properly the legal services rendered by Applicant. Knowledgeable analysis of the Bankruptcy Code, including the 1994 Reform Act, Internal Revenue Code, applicable case law, and bankruptcy procedures were all required. In addition, Applicant's many years of experience

in handling bankruptcies both in operation and in liquidation has proven to be invaluable in handling matters connected with this case.

d. **The Customary Fee.** The fees sought herein by Applicant are not unreasonable for work in the bankruptcy area in Fort Worth/Dallas, Texas. It is customary for Shawn Brown to charge \$350.00 per hour during the time in question. Such per hour fee would have no relation to any results obtained, but rather would represent charges for expenditure of professional time. Such per hour fee is customary for Mr. Brown's degree of specialization in Fort Worth/Dallas, Texas, and fees of that range have been approved and awarded for work for attorneys for Trustees, debtors, creditors' committees, and others within that range. The fees sought herein are reasonable and customary considering the work done and the results obtained, the representation of the Trustee by Applicant in such a specialized area, and the skill required to obtain such results.

e. **Whether the Fee is Fixed or Contingent.** Applicant has received no promise of payment for the services rendered or to be rendered in this case, other than pursuant to this Application. Thus, payment of Applicant's attorney's fees and expenses has never been contingent in the sense of a percentage fee, but was fixed based on Applicant's hourly rates and expenses, but subject to Court approval and availability of funds. As in any such case, but especially in this one, availability of funds represents a contingency of payment.

f. **Time Limitations Imposed by the Clients or Other Circumstances.** The auction process required time sensitive approvals due to the

continuing accrual of post-petition rent obligations. Otherwise, there have been no severe time limitations imposed by the client in this case.

g. **The Amount Involved and Results Obtained.** Applicant assisted the Trustee in obtaining approval of sales generating approximately \$357,716 in proceeds.

h. **The Experience, Reputation and Ability of the Attorneys.** Mr. Brown is a skilled bankruptcy expert and has been engaged in such work since 1988. Mr. Brown has had considerable experience as attorney for Debtors, creditors, trustees, and creditors' committees. He has also represented parties-in-interest in cases larger than this proceeding and numerous Chapter 11 proceedings in Bankruptcy Courts throughout the country.

i. **The Undesirability of the Case.** This case was not undesirable.

j. **The Nature and Length of the Professional Relationship With the Client.** Applicant had not represented any party involved in these proceedings other than the Trustee prior to the filing of this case.

k. **Awards in Similar Cases.** Applicant has been awarded fees of this size and at these hourly rates in cases similar in size to this case in this district and various other bankruptcy courts.

**WHEREFORE, PREMISES CONSIDERED,** Applicant prays that a final award and allowance be made in the amount of \$4,812.50, for reasonable attorney's fees for professional services actually rendered in this proceeding, to be paid by the Trustee as final compensation and reimbursement of expenses; and for any other relief as is just and proper.

Respectfully submitted,

THE LAW OFFICE OF SHAWN K. BROWN  
PLLC

/s/ Shawn K. Brown  
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COUNSEL FOR THE CHAPTER 7 TRUSTEE

**CERTIFICATE OF SERVICE AND VERIFICATION OF SERVICE**  
**ON THE U.S. TRUSTEE**

I hereby certify that a true and correct copy of the *Application for Compensation and Expenses* was served upon the upon the Office of the U.S. Trustee (ECF), Debtor[s] counsel (ECF), upon all creditors with filed claims required to be served under F.R.B.P. 2002(h), and upon the parties requesting notice, via the Court's CM/ECF system on the date of filing, or directed to be mailed by BK Attorney Services LLC on or before June 24, 2021, by First Class United States Mail postage prepaid with respect to non-ECF users.

/s/ Shawn K. Brown

**CERTIFICATION REGARDING GUIDELINES**

I hereby certify that I am the professional designated by the Applicant with the responsibility for compliance with the Guidelines for Compensation and Expense Reimbursement of Professionals. I further certify that I have read the Application. To the best of my knowledge, information and belief, formed after reasonable inquiry, the compensation and expense reimbursement sought is in conformity with the Guidelines, except as specifically noted in the Application. The compensation and expense reimbursement requested is billed at rates, in accordance with practices, no less favorable than those customarily employed by the Applicant and generally accepted by the Applicant's clients.

/s/ Shawn K. Brown



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INVOICE

**Synergy Fabrication Inc.****Invoice 20138**

<b>Date</b>	Jun 23, 2021
<b>Terms</b>	
<b>Service Thru</b>	Jun 23, 2021

**In Reference To: General Legal Services (Hourly Time)**

<b>Date</b>	<b>By</b>	<b>Services</b>	<b>Hours</b>	<b>Rates</b>	<b>Amount</b>
01/10/2020	SB	Draft application and affidavit to employ auctioneer and counsel; email to M Rosen re same.	1.25	\$ 350.00/hr	\$ 437.50
01/14/2020	SB	Final edit and file motion to sell by public auction. Coordinate service.	1.50	\$ 350.00/hr	\$ 525.00
01/14/2020	SB	Finalize applications to employ auctioneer and counsel. Draft orders and file all.	0.70	\$ 350.00/hr	\$ 245.00
01/14/2020	SB	File certificate of service.	0.25	\$ 350.00/hr	\$ 87.50
01/27/2020	SB	Draft reservation of rights on lease hold agreement and email to B Jones.	0.35	\$ 350.00/hr	\$ 122.50
01/30/2020	SB	tc B Jones re counter offer from landlord.	0.35	\$ 350.00/hr	\$ 122.50
02/07/2020	SB	Reply email to B Jones on compromise with landlord.	0.35	\$ 350.00/hr	\$ 122.50
02/17/2020	SB	Draft certificate and order on sale motion and file same.	0.75	\$ 350.00/hr	\$ 262.50
02/17/2020	SB	Review proposed 4001 motion and order on landlord claims and reply email B Jones	0.40	\$ 350.00/hr	\$ 140.00
03/13/2020	SB	Draft and file application and order employing Lain Faulkner as accountants.	0.60	\$ 350.00/hr	\$ 210.00
03/26/2020	SB	Edit report of sale and file same.	0.70	\$ 350.00/hr	\$ 245.00
03/26/2020	SB	Edit and file Rosen System's fee application.	0.80	\$ 350.00/hr	\$ 280.00
04/17/2020	SB	Draft order and certificate of no objections on Rosen Systems fee application and report of sale.	0.50	\$ 350.00/hr	\$ 175.00
11/20/2020	SB	Edit motion to sell remnant assets; draft notice of hearing; file and coordinate service.	1.50	\$ 350.00/hr	\$ 525.00
11/20/2020	SB	File certificate of service on motion to sell and notice of hearing.	0.25	\$ 350.00/hr	\$ 87.50

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**INVOICE****Synergy Fabrication Inc.****Invoice 20138**

<b>Date</b>	Jun 23, 2021
<b>Terms</b>	
<b>Service Thru</b>	Jun 23, 2021

12/13/2020	SB	Draft and file certificate of no objections on motion to sell remnant assets.	0.40	\$ 350.00/hr	\$ 140.00
12/14/2020	SB	Prepare for hearing on motion to sell remnant assets; edit order.	0.70	\$ 350.00/hr	\$ 245.00
12/14/2020	SB	Attend Webex hearing on Motion to Sell; Upload proposed order.	0.40	\$ 350.00/hr	\$ 140.00
06/23/2021	SB	Edit Lain Faulkner Fee Application; Draft counsel fee application and order; file same.	1.50	\$ 350.00/hr	\$ 525.00
06/23/2021	SB	Draft and file certificates of no objections on fee applications and upload orders (est. .5)	0.50	\$ 350.00/hr	\$ 175.00

<b>Total Hours</b>	13.75 hrs
<b>Total Hourly Time</b>	\$ 4,812.50
<b>Total Invoice Amount</b>	\$ 4,812.50
<b>Previous Balance</b>	<b>\$ 0.00</b>
<b>Balance (Amount Due)</b>	<b>\$ 4,812.50</b>